



Labor Committee

## Adopted in House Comm. on Mar 07, 2007

09500HB1542ham001

LRB095 07174 HLH 32931 a

1 AMENDMENT TO HOUSE BILL 1542

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1542 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by  
5 changing Section 10-2.1-17 as follows:

6 (65 ILCS 5/10-2.1-17) (from Ch. 24, par. 10-2.1-17)

7 Sec. 10-2.1-17. Removal or discharge; investigation of  
8 charges; retirement. Except as hereinafter provided, no  
9 officer or member of the fire or police department of any  
10 municipality subject to this Division 2.1 shall be removed or  
11 discharged except for cause, upon written charges, and after an  
12 opportunity to be heard in his own defense. The hearing shall  
13 be as hereinafter provided, unless the employer and the labor  
14 organization representing the person have negotiated an  
15 alternative or supplemental form of due process based upon  
16 impartial arbitration as a term of a collective bargaining

1 agreement. Such ~~In non-home rule units of government, such~~  
2 bargaining shall be ~~permissive rather than~~ mandatory unless the  
3 parties mutually agree otherwise. Any such alternative  
4 agreement shall be permissive. ~~such contract term was~~  
5 ~~negotiated by the employer and the labor organization prior to~~  
6 ~~or at the time of the effective date of this amendatory Act, in~~  
7 ~~which case such bargaining shall be considered mandatory.~~

8 If the chief of the fire department or the chief of the  
9 police department or both of them are appointed in the manner  
10 provided by ordinance, they may be removed or discharged by the  
11 appointing authority. In such case the appointing authority  
12 shall file with the corporate authorities the reasons for such  
13 removal or discharge, which removal or discharge shall not  
14 become effective unless confirmed by a majority vote of the  
15 corporate authorities. The board of fire and police  
16 commissioners shall conduct a fair and impartial hearing of the  
17 charges, to be commenced within 30 days of the filing thereof,  
18 which hearing may be continued from time to time. In case an  
19 officer or member is found guilty, the board may discharge him,  
20 or may suspend him not exceeding 30 days without pay. The board  
21 may suspend any officer or member pending the hearing with or  
22 without pay, but not to exceed 30 days. If the Board of Fire  
23 and Police Commissioners determines that the charges are not  
24 sustained, the officer or member shall be reimbursed for all  
25 wages withheld, if any. In the conduct of this hearing, each  
26 member of the board shall have power to administer oaths and

1 affirmations, and the board shall have power to secure by its  
2 subpoena both the attendance and testimony of witnesses and the  
3 production of books and papers relevant to the hearing.

4 The age for retirement of policemen or firemen in the  
5 service of any municipality which adopts this Division 2.1 is  
6 65 years, unless the Council or Board of Trustees shall by  
7 ordinance provide for an earlier retirement age of not less  
8 than 60 years.

9 The provisions of the Administrative Review Law, and all  
10 amendments and modifications thereof, and the rules adopted  
11 pursuant thereto, shall apply to and govern all proceedings for  
12 the judicial review of final administrative decisions of the  
13 board of fire and police commissioners hereunder. The term  
14 "administrative decision" is defined as in Section 3-101 of the  
15 Code of Civil Procedure.

16 Nothing in this Section shall be construed to prevent the  
17 chief of the fire department or the chief of the police  
18 department from suspending without pay a member of his  
19 department for a period of not more than 5 calendar days, but  
20 he shall notify the board in writing of such suspension. The  
21 hearing shall be as hereinafter provided, unless the employer  
22 and the labor organization representing the person have  
23 negotiated an alternative or supplemental form of due process  
24 based upon impartial arbitration as a term of a collective  
25 bargaining agreement. Such ~~In non home rule units of~~  
26 ~~government, such~~ bargaining shall be ~~permissive rather than~~

1 mandatory unless the parties mutually agree otherwise. Any such  
2 alternative agreement shall be permissive. ~~such contract term~~  
3 ~~was negotiated by the employer and the labor organization prior~~  
4 ~~to or at the time of the effective date of this amendatory Act,~~  
5 ~~in which case such bargaining shall be considered mandatory.~~

6 Any policeman or fireman so suspended may appeal to the  
7 board of fire and police commissioners for a review of the  
8 suspension within 5 calendar days after such suspension, and  
9 upon such appeal, the board may sustain the action of the chief  
10 of the department, may reverse it with instructions that the  
11 man receive his pay for the period involved, or may suspend the  
12 officer for an additional period of not more than 30 days or  
13 discharge him, depending upon the facts presented.

14 (Source: P.A. 91-650, eff. 11-30-99.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law."